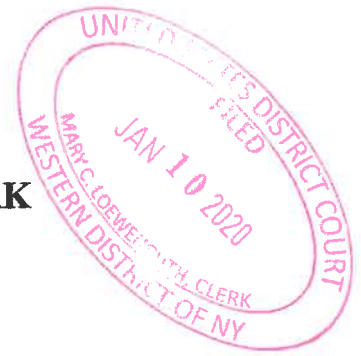


**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEWYORK
BUFFALO DIVISION**



RICKY R. FRANKLIN)	Civil Action No: 18-cv-161-V(F)
)	
Plaintiff,)	
v.)	
)	
BISON RECOVERY GROUP, INC)	
Defendant)	
)	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff, Ricky R. Franklin, Pro se, and pursuant to Fed. R. Civ. 56, and LR. 56 et seq, respectfully moves for Summary Judgment and requests summary judgment on the following claims within his Complaint for violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 et seq.

SUMMARY

COUNT I – The Defendant Bison Recovery Group, Inc., (hereinafter, "BRG") violated the Telephone Consumer Protection act by calling Plaintiff on his cellphone by means of artificial pre-recorded voice messages to a cellphone or pager in violation of 47 U.S.C. 227(b)(1)(A)(iii). Defendant BRG made at least six (6) calls to Plaintiffs cellphone violating the act.

COUNT II – The Defendant BRG willfully and knowingly violated the Telephone Consumer Protection act by calling Plaintiff on his cellphone by means of artificial pre-recorded voice messages to a cellphone or pager in violation of 47 U.S.C. 227(b)(1)(A)(iii). Defendant BRG made at least five (5) calls to Plaintiffs cellphone violating 47 U.S.C. § 227(b)(3).

The elements of each claim as to the summary judgment is sought; Plaintiff expressly adopts and incorporates its accompanying Memorandum of Law in accordance with Fed. R. Civ. P. 56 et seq and LR 56(a)(1); Statement Of Undisputed Material Facts. In accordance with LR 56(a)(3) Plaintiff will also file an Appendix.

REQUESTED RELIEF

Plaintiff respectfully asks the Court to enter an order granting this motion for Summary Judgment, and requests the following relief against Defendant BRG,

1. Statutory damages of \$500.00 for each of the 6 calls made negligently in violation of 47 U.S.C. 227(b)(1)(A)(iii) and 47 U.S.C. § 227(b)(3)(B).
1. Statutory damages of \$1500.00 for each of the 5 calls made willfully and knowingly in violation of 47 U.S.C. § 227(b)(3).

Respectfully submitted, January 8th, 2020

Ricky R. Franklin

A handwritten signature in black ink, appearing to read 'Ricky R. Franklin', with a long horizontal flourish extending to the right.

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rrfrank12@hotmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was sent via mail on January 8th 2020 to Defendant's Counsel listed below:

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ATTORNEYS FOR DEFENDANT BISON RECOVERY GROUP, INC

Ricky R. Franklin



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